



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(211)

CRM-M-46984-2025

Date of Decision: 23.09.2025

SHANTY KUMAR AND ANOTHER

.....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Neeraj Jain, Advocate
for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

Ms. Apoorva Arya, Advocate for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioners, in case FIR No.102 dated 26.07.2025, under Section 108 of BNS, registered at Police Station Jhunir, District Mansa.
2. Vide order dated 01.09.2025, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

“Status report by way of affidavit dated 30.08.2025, has been filed by the State, which is taken on record. Copy thereof has been supplied to the learned counsel for the petitioner.

Prayer in the present petition filed under Section 482 of BNSS, is for grant of anticipatory bail to the petitioners, in case FIR No.102 dated 26.07.2025, under Section 108 of BNS, 2023, registered at Police Station Sadar, Jhunir District Mansa.



Learned counsel for the petitioners inter alia submits that the petitioners have been falsely implicated in the instant case being sister-in-law and nephew of the deceased respectively. The marriage between the deceased and the main accused namely Ashu Kumar was solemnized 5 years back from the date of alleged occurrence. It is further submitted that as per paragraph 9 of the status report filed by the State, the petitioners were not residing in the matrimonial house of the deceased, rather were residing at a distance of 12 kilometers from the matrimonial house of the deceased.

Per contra learned State counsel as well as the learned counsel for the complainant oppose the present petition. They submit that since serious allegations have been levelled against the petitioners, therefore, they are not entitled to the concession of anticipatory bail.

One of the main pillars of jurisprudence on which the criminal justice system is based, is the presumption of innocence until proven guilty. If seen in that context, the provision of anticipatory bail, in its essence, can be understood as a safeguard to prevent the curtailment of liberty of an individual, a cherished constitutional guarantee, in circumstances where arrest may be unwarranted, arbitrary, or mala fide. This discretionary power, trite to say, must be exercised judiciously, based on considerations, which include but are not limited to, the nature and gravity of the allegations, the antecedents of the accused, the possibility of the fleeing from justice, and the likelihood of the evidence being tampered with and witnesses being influenced.

Reverting to the case in hand, the petitioners who are the sister-in-law and the nephew, prima facie did not reside in the matrimonial house of the deceased. All the contentions with respect to their involvement in the unfortunate incident are disputed questions of facts, veracity of which shall be determined during the course of trial.

In view of the above, the petitioners are directed to join



investigation before the Investigating Agency/Officer. They shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023;-

(1) That the petitioner(s) shall make themselves available for interrogation by a police officer as and when required to do so.

(2) That the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the case so as to dissuade him from disclosing such facts to Court or to any police officer.

(3) That the petitioner(s) shall not leave India without prior permission of the Court.

Needless to mention that the investigating agency/ officer shall continue with the investigation of the case in usual manner.

Adjourned to 23.9.2025.”

3. Learned State counsel on instructions from ASI Balvir Singh submits that in compliance of order dated 01.09.2025, the petitioners have joined the investigation on 06.09.2025 and are not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 01.09.2025 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).

7. The accused-petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of



the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.

8. The accused-petitioner(s) shall not leave India without prior permission of the Court.

9. The accused-petitioner(s) shall join the investigation as and when called by the police.

10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

September 23, 2025
Ithlesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No